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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Planning Commission

MEETING DATE July 23, 2015	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Garcia Trust	FILE NO. AGP2014-00010
SUBJECT Proposal by the Garcia Trust to amend the boundaries of an Agricultural Preserve to add land and rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment. The property consists of approximately 138.5 acres located within the Agriculture land use category, at 1710 Toro Creek Road approximately 2.5 miles northeast of the city of Morro Bay. The site is in the North County-Adelaida planning area.			
RECOMMENDED ACTION Recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows: Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment No. 2 Minimum Parcel Size: 320 Acres Minimum Term of Contract: 10 years			
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17)			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Geologically Sensitive Area	ASSESSOR PARCEL NO: 073-092-026 and 073-092-048 (PTN)	SUPERVISOR DISTRICT(S): 2
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Residence, barns, grazing, irrigated row crops			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Grazing <i>South:</i> Agriculture/Dry Farm, Grazing, oak trees <i>East:</i> Agriculture/Grazing, residence, barns <i>West:</i> Agriculture/ Grazing, residence, barns			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: May 5, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 Fax: (805) 781-1242			

PROJECT REVIEW

Background

The landowners want to transfer the ownership of their ranch, currently under a land conservation contract entered into in 1978, to a new generation so that the property can remain in the family and the agricultural activities can continue into the future. In order to do this it is necessary to obtain approval of a lot line adjustment to reconfigure two of the three existing legal parcels within the current agricultural preserve and contract into parcel configurations and sizes that can re-qualify for new land conservation contracts under current rules. Each of the three applications is somewhat different because each of the resulting parcels includes different agricultural capabilities and uses. This application involves a request to requalify the property as a “mixed use” agricultural preserve in a different configuration than what presently exists.

The subject property is located within the Cayucos Agricultural Preserve No. 22 established on 2/21/78 by Resolution No. 78-133 and is under a land conservation contract entered into on 2/21/78 by Resolution No. 78-146 and recorded on 2/28/78 as Document No. 9246, Book 2051, Page 1 through Page 20 inclusive.

The Government Code (Williamson Act) requires new contracts to be entered into when contracted land is adjusted through a lot line adjustment. In this case the entire property is being requalified to allow for three new contracts corresponding with the new parcel configurations.

Site and Area Characteristics

Most of the surrounding properties along Toro Creek are used for grazing with a lesser amount of acreage used for irrigated row crops and orchards. The land in this proposed parcel includes a small parcel not currently under this preserve and contract that will be added to the preserve and included in the new contract.

The following table shows the Natural Resources Conservation Service soils ratings of the subject property (resulting parcel one of the lot line adjustment):

Land Capability Class		Irrigated Row Crop	Homesite & barns	Grazing	Acres
If Irrigated	Non-Irrigated				
2	3	9.5	NA	NA	9.5
2	3	0	1	3.5	3.5
6	6	0	0	125.5	125.5
TOTALS		9.5	1	51	138.5

All of the Class 6 soil is rated as moderately to well-suited for rangeland. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Rules of Procedure

The Rules of Procedure also provides criteria for individual contract eligibility. Appendix E of the Rules of Procedure establishes procedures for determining qualification of land with mixed agricultural potential or use. The site has irrigated row crop and range land capability. The mixed use calculation for this property is as follows:

Agricultural Use/Land Capability	Acres	Minimum Acres to Qualify	Fractional Proportion
Irrigated Class 2/Irrigated Row Crop	9.5	10	0.95
Class 2/Non-Irrigated (Range land)	3.5	320	0.01
Class 6/Range land	125.5	320	0.39
Total	138.5		1.35

This property meets the qualification requirements for an individual ownership based on the mixed use test because the fractional portions of different land capability is more than one.

Appendix E of the Rules of Procedure also establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural potential or use. The mixed use calculation for this property is as follows:

Land Capability	Agricultural Use	Acres	Minimum Parcel Size	Computational Factor
Irrigated Class 2	Irrigated Row Crop	9.5	40	0.24
Non-Irrigated Class 2	Range land	3.5	320	0.01
Non-irrigated Class 6	Range land	125.5	320	0.39
Total		138.5		0.64

The property size of 138.5 acres divided by .64, the total fractional proportions, is 216.4, which is rounded up to a 320 acre minimum parcel size category in Table 1 of the Rules of Procedure.

The appropriate minimum parcel size is 320 acres and the appropriate term of the contract is 10 years because it is customary to recognize the term running on the current land conservation contract when entering into a new contract resulting from a lot line adjustment.

Lot Line Adjustment Consistency - Williamson Act, Government Code Section 51257

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the lot line adjustment involves existing parcels internal to an existing contract. The resulting parcels will consist of at least 90 percent of the land under the current contract resulting in no net loss of land under contract, and the land area exchanged is of like soil type. (This section of the Government code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.) The resulting parcel configuration represents a “status quo” in terms of agricultural productivity.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on May 18, 2015 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report via a Power Point presentation

Dennis Schmidt, agent: explains history of this parcel. Acknowledges the Garcia's input into this and is available for questions.

Lynda Auchinachie: opens Public Comment with no one coming forward.

Irv McMillan: asks for mixed use calculation with Mr. Wahler directing him to Pg. 3-3. Clarifies there is irrigated row crop in the amount indicated. Questions the acreage minimum calculation with Mr. Wahler responding.

Thereafter, on motion of Dick Nock, seconded by Don Warden and on the following roll call vote:

AYES: Dick Nock, Don Warden, Irv McMillan, Paul Hoover, Lynda Auchinachie, Paul Clark, Beverly Gingg, Royce Larsen

NOES: None

ABSENT: Jennifer Anderson, Robert Sparling, Lynn Moody, Jeff Stranlund, Bill Robeson

Following the discussion, the Agricultural Preserve Review Committee (APRC) recommends the Board of Supervisors approve this request to amend the boundaries of an Agricultural Preserve to add land and rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment. Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment No. 2. Minimum Parcel Size: 320 acres. Minimum term of contract: 10 years.

RECOMMENDATIONS

Recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment No. 2
Minimum Parcel Size: 320 Acres
Minimum Term of Contract: 10 years

FINDINGS

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.

- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner
Land Conservation Program